

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JAY FOLSE

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00488

WEST VIRGINIA UNIVERSITY, et al.,

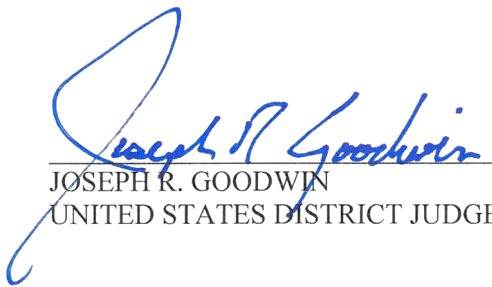
Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 27, 2019, Magistrate Judge Tinsley submitted the Proposed Findings of Fact and Recommendation [ECF No. 12] (“PF&R”), recommending the court grant in part defendants’ Motion to Dismiss as to plaintiff’s 42 U.S.C. § 1983 claims [ECF No. 6]; and that the court dismiss without prejudice plaintiff’s state-law claims pursuant to 28 U.S.C. § 1367(c). To date, no objections to Magistrate Judge Tinsley’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **GRANTS IN PART** the Motion to Dismiss as to plaintiff’s 42 U.S.C. §1983 claims [ECF No. 6] and **DISMISSES WITHOUT PREJUDICE** plaintiff’s state-law claims pursuant to 28 U.S.C. § 1367(c). The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER:      October 18, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE